

PATENT APPLN. NO. 10/533,090  
SUBMISSION UNDER 37 C.F.R. § 1.114

PATENT

REMARKS

Applicants have canceled claims 34 and 40 and have added new claims 45-52 to the application. New claim 45 limits the embolization material of the present application to one having a water swelling ratio of 160% or more and being formed as particles containing a specific water insoluble poly(ethylene glycol) polymer, i.e., a poly(lactide/glycolide)-poly(ethyleneglycol)-poly(lactide/glycolide) copolymer, that is degradable in a phosphate buffered saline of 37° C. New claim 46 limits the embolization material of claim 45 to one in which a film formed from the poly(lactide/glycolide)-poly(ethyleneglycol)-poly(lactide/glycolide) copolymer and saturated with water has an elastic modulus in tension of 5 MPa or more and 180 MPa or less.

The claims as amended are believed to avoid the rejection under 35 U.S.C. 103(a) over WO 01/072280 ("WO '280") in view of US '551 and U.S. Patent No. 6,586,354 ("US '354") that was applied to claims 34 and 40 in the Final Action of October 16, 2008.

First, WO '280 discloses a copolymer of the PLA-PEG type, but a copolymer of the PLGA-PEG type is neither disclosed nor suggested.

Second, even with copolymers of the A-B-A type in which the molecular weight of each block is 25000-20000-25000, ones which use

PATENT APPLN. NO. 10/533,090  
SUBMISSION UNDER 37 C.F.R. § 1.114

PATENT

PLA instead of PLGA do not have a swelling ratio as recited in the claims (compare Examples 1 and 7 of the present application with reference to the table below).

Third, even if the copolymers are composed of tetra-branched PEG and PLGA as in the polymer of Example 5 of the present application, the polymer does not have a modulus of elasticity as now recited in the claims.

Example	Molecular weight of each block	Swelling ratio	Tensile modulus of elasticity (saturated with water)
1	25000-20000-25000	130	184
5	10000x4-25000	251	4
7	25000-20000-25000	210	40

Reconsideration of the final rejection is respectfully requested.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

PATENT APPLN. NO. 10/533,090  
SUBMISSION UNDER 37 C.F.R. § 1.114

PATENT

In the event any additional fees are required, please also  
charge our Deposit Account No. 111833.

Respectfully submitted,  
KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik  
Reg. No. 25,401

Crystal Gateway 3  
Suite 1105  
1215 South Clark Street  
Arlington, VA 22202  
Tel: (703) 412-9494  
Fax: (703) 412-9345  
RJK/ff